

### REMARKS

In the Office Action mailed July 13, 2005, the Examiner rejected claims 1 and 5-21. However, the Office Action indicated claims 16-21 and 5, 6, 12 and 13 as allowable if rewritten to overcome rejections under 35 USC 112 and/or written in independent format. Applicant thanks the Examiner for the indication of allowable subject matter. By way of the foregoing amendments and the markings to show changes, Applicant has amended claims 1, 6, 9, 16 and 21, canceled claims 5 and 11 and added new claims 22-27. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

#### I. Claim Rejections under 35 U.S.C. 112

The Office Action rejected claims 1 and 5-21 suggesting that, in claims 1 and 16, the term "conditions" in the phrase "conditions found in an e-coat or paint oven" is unclear. During a teleconference with examiner Robert Siconolfi and the undersigned it was agreed that changing the term "condition" to "elevated temperature" in claims 1 and 16 along with addition of term "automobile" to describe "oven" should overcome the rejection. As suggested by Applicant during the teleconference, the skilled artisan will understand that ovens for drying automotive coatings can be operated at different temperatures depending upon the coatings and that the expandable materials can be formulated to activate at different temperatures depending upon the oven temperature. As such, the claims are clear since the skilled artisan also knows what temperatures are used in the ovens for effectively drying automotive coatings.

During the teleconference, Applicant also suggested the change in claim 1 from "e-coat or paint oven" to "automobile coating drying oven". Examiner Siconolfi suggested that he did not believe that the new language would cause any new issues, but that, if any issues did arise, he would phone the undersigned to expediently address such issues.

#### II. Claim Rejections under 35 U.S.C. 102 and/or 102

The Office Action rejected claims 1, 7-11, 14 and 15 as being anticipated by or obvious in view of U.S. Patent No. 6,341,467 to Wycech. Applicants traverse these

rejections and suggest that these claims were patentable as previously submitted. However, to expedite prosecution, Applicant has added language to claim 1 reading, "wherein the outer hollow member, the internal or both are located between an outer front bumper and a front rail of an automobile". Applicant asserts that current claim 1 is patentable over the references of record.

### III. Allowable Subject Matter and New Claims

The Office Action indicated claims 16-21 as allowable if amended to overcome the rejection under 35 USC 112. Claim 16 has been so amended and is now allowable. Applicants note that claim 21 has been amended to remove the word "comprising", which was improperly included in that claim. The amendment to claim 21 does not affect its patentability.

The Office Action indicated claim 5 as allowable if rewritten in independent form. New claim 22 is dependent claim 5 rewritten in independent form and is presently allowable.

New claims 23-27 are dependent claims that have been added to address various aspects of the present invention.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants intend to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing

amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

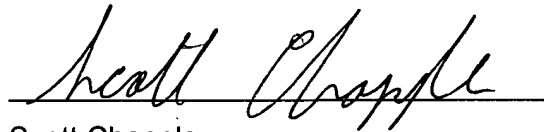
### **CONCLUSIONS**

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

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Respectfully submitted,



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